

United States Court of Appeals 01-10104 For the First Circuit

Nos. 04-1891; 04-1899

ERIC R. CRETE,
Plaintiff, Appellee/Cross-Appellant,

v.

City of Lowell,
Defendant, Appellant,

EDWARD DAVIS III, in his personal capacity and as
Superintendent of the Lowell, Massachusetts Police
Department; BRIAN J. MARTIN, in his official
and personal capacities,
Defendants, Cross-Appellees,

STEPHEN CIAVOLA, in his official and personal capacities; TERRANCE KANE, in his
personal capacity; RICHARD JOHNSON,
Defendants.

JUDGMENT

Entered: August 11, 2005

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts, and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The district court's grant of summary judgment as to the section 1983 claim is affirmed. The district court's grant of summary judgment against the City of Lowell on the negligent hiring claim is vacated, and the matter is remanded to the district court with instructions to enter judgment for the City of Lowell. Costs are awarded to the City of Lowell.

By the Court:

RICHARD CUSHING DONOVAN

Richard Cushing Donovan, Clerk

[Certified copies to Hon. Rya W. Zobel and Ms. Sarah A. Thornton, Clerk, United States District Court for Massachusetts. Copies to Mr. Sharp, Mr. Hitchcock, Mr. Monahan, Ms. Callahan, Ms. O'Connor, Ms. Sheehy, Mr. Sweeney, Ms. McMahon, Mr. Nyman.]

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I HEREBY CERTIFY THIS DOCUMENT
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AND IN MY LEGAL CUSTODY.

FIRST CIRCUIT COURT OF APPEALS
BOSTON, MA

By: SJB Date: 8/11/2005